

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION/6192

August 23, 1972

MEMORANDUM FOR:

DR. KISSINGER

FROM:

MICHAEL A. GUHIN

SUBJECT:

US Position on Chemical Weapons
Prohibitions

Pressures at the Geneva Conference of the Committee on Disarmament (CCD) for treaty negotiations on CW prohibitions are increasing. In February, the Soviets introduced a draft treaty calling for the total elimination of chemical weapons (similar to that for biological weapons). This approach appeals particularly to the non-aligned. In June, a Soviet CW expert participated for the first time in a CCD experts meeting. The UK recently stated at the CCD that we should work toward a comprehensive CW ban but perhaps proceed toward that goal by more limited measures (e.g., prohibitions on stocks or production) with appropriate verification.

Our position for the past year has been that further study and resolution of verification problems are needed before meaningful negotiations can be undertaken. We have presented working papers on verification problems for CCD discussion. Both the Moscow Joint Communique and the Biological Weapons Convention indicate we will work toward further CW prohibitions.

The CCD is scheduled to wind up its current session this month and report to the UNGA in September. The Soviets have asked us for counter-proposals. If we are prepared to make a proposal in September, the CCD can hold off until then. If we stand with our present position, the UNGA will probably endorse a resolution calling for more intensive efforts to get a comprehensive CW ban. This would have no immediate effect, but it could increase the pressure when the CCD reconvenes in February and others may rally behind the Soviet draft as a basis for negotiations. This would make negotiation of a limited measure more difficult.

In July, Secretary Laird recommended that we develop a proposal to ban the production of chemical weapons. All issues relevant to CW limitations have been thoroughly considered in the NSSM 157 study. (The study is being held in your outer office; agency positions and my analytical summary are at marked tabs.)

Are Restraints in Our Interest? All agencies agree that some treaty restraints would be in our interest, even though any limitations would be

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Declassified/Released on 7/10/87
under provisions of E.O. 12958
by H. Soubers, National Security Council

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PA/HO Department of State
E.O. 12958, as amended
August 6, 2007

unverifiable. Basic considerations include:

- The Soviet CW capability exceeds ours. Their defenses are considerably better; we do not know the size or location of their stocks or production facilities.
- Our programs are limited. We are making only modest improvements in defensive measures. Only very limited stocks are forward deployed at one site in Germany. The negligible capabilities of our NATO allies are not likely to improve; nor are their sensitivities to our introducing or relocating stocks there.
- The most promising development is binary weapons (two relatively safe, separable components which combine to form a nerve agent). But these will not be ready for even limited production earlier than 1976 and only then if Congress were to authorize substantially higher funding.
- Prospects for congressional support for any increase in our programs (except for defensive measures), even to replace existing stocks, are generally agreed to be slim; and Congress and public opinion have limited our ability to move stocks and thus to deploy them.

Options for Treaty Restraints. There are agency differences, however, as to the scope of a proposal we might make. There are three basic options for the scope of a proposal:

- Limit stocks to agreed retaliatory levels.
- Prohibit production of agents and weapons.
- Prohibit both stocks and production.

Prohibition on proliferation of chemical weapons would be included with each of these options. (Options to limit R&D or defensive measures, detailed in the summary, are unacceptable. No agency would recommend accepting risks of such limitations because reliable verification of any limitation is not possible.)

Option 1.

Limit Stocks to Agreed Levels. This would allow binary production to provide a better retaliatory capability; affect none of our planned programs; and provide the best basis for continuing and increasing R&D. But, it would leave the USSR free to modernize while we could not unless Congress funds new chemical weapons programs; open us to

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internal and international criticisms that we are only justifying weapons production; is not likely to mitigate pressures for broader limitations; and would open us to criticism, even by some allies, who in fact would be limited more than we.

How could we monitor 2
The JCS and Dr. David support this option because they believe our current capability is inadequate, could deteriorate with time, and should be replaced by binary weapons.

Option 2.

Prohibit Production. This would impose limits on the Soviet Union in the area where our own programs are already most constrained by Congress and budget priorities; would retain a retaliatory capability because our stocks would not be affected significantly before the 1980's --and perhaps not until substantially later; provide some framework for justifying R&D; and help channel pressures away from broader limitations.

But, it would risk a diminution of our CW capability during the 1980's due to possible deterioration and obsolescence (the Soviet capability might also deteriorate); and prohibit the production of binaries which could ease existing constraints on storage and movement and thus improve our capability to deploy.

Defense and State support this option since it would leave us a retaliatory capability, put constraints on the USSR and others similar to already existing constraints on us, and be an initiative which could channel pressures away from broader limitations. ACDA considers this option sound (but prefers Option 3 below).

Option 3.

Prohibit Stocks and Production. This would place maximum legal and political constraints against chemical warfare where we would be at a disadvantage unless nuclear weapons were used; be the most negotiable in terms of scope since most CCD members favor a comprehensive ban; and avoid costs for weapons and stocks. But, this ultimately eliminates any deterrent effect of a retaliatory capability and the option to respond in kind vis-a-vis treaty violators or non-parties; and might risk our R&D and defensive efforts.

ACDA supports this option on the grounds that (1) our nuclear and conventional capabilities provide adequate deterrence against chemical attack, and (2) we should put maximum political constraints on the Soviets since it is unlikely we will develop a real retaliatory capability.

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Although reliable verification of compliance is impossible under any of the foregoing options, some efforts could and should be made. These could include (1) consultative committee arrangements for review of developments, compliance, and complaints, (2) voluntary agreement to on-site inspection on challenge (mandatory on-site on challenge was considered unacceptable to the US), and (3) mandatory on-site inspection of certain declared facilities. Our objective should be to seek whatever verification steps can be agreed which will increase the constraints on the Soviets.

The JCS believe that we should adhere to an on-site principle by trying to get agreement to mandatory international on-site inspection of a few declared military production centers. State, Defense, and ACDA have not stated preferences for any particular measures. Since no verification procedure would be reliable, they view specific measures to be essentially a matter of negotiating tactics.

My Views. A ban on stocks and production (Option 3) would be in our interest were reliable verification possible. But it is not. Retention of a retaliatory capability provides insurance and decreases the importance of verification. Therefore, the choice boils down to a limit on stocks (Option 1) or a prohibition on production (Option 2).

A limit on production clearly freezes stocks to their present levels. But, as the study indicates, our present stocks exceed future stockpile objectives by a substantial margin. Our plans for production would therefore be limited to replacing stocks with new binary weapons. The loss of binaries under a production ban could be worrisome in principle. Indeed, it is the heart of the JCS objection to such a prohibition. But to achieve a significant capability in binaries would require highly visible CW budget increases (at least double) —production of binary artillery shells would add over \$200M in FY 73-FY 80; spray tanks, bombs, and missiles would cost at least that much more. Given current fiscal constraints and congressional attitudes, there is real question whether a program of this magnitude would go forward.

Thus, a ban on production would in effect restrain us from doing what we cannot or will not do in any event; at the same time, it would place restraints on whatever production program the Soviets have or plan. With a limit on stocks, we would still be limited to whatever we now have unless Congress could be persuaded to fund major new programs, while the Soviets would not be restrained from producing newer or better weapons within agreed levels. Therefore, if we are to make a proposal, I believe that it should be a prohibition on production and transfer (Option 2) as recommended by Secretaries Laird and Irwin (but perhaps limited to ten years to protect our future options should stocks deteriorate or the environment change).

Timing of a Proposal. Should we make a proposal now or wait until next February when the CCD meets again?

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The arguments for making a proposal now are that it could ease pressures at the UNGA this fall and lessen the chances of others rallying behind the Soviet approach, which would make negotiation of a limited measure (which is in our interest) more difficult next year. We would have time for complete allied consultations if a decision were made soon. State, Defense, and ACDA recommend that we move now.

The arguments against making a proposal now are that we would have more time for allied consultations and private approaches to the Soviets, as well as an opportunity for the NSC to consider the options and related considerations (e.g., a moratorium). Moreover, if we had a decision in September or early October, even a statement that we intend to make a proposal in February could ease any pressures at the UNGA this fall.

This is a major step involving an unverifiable treaty obligation, which has both favorable and unfavorable domestic implications. We need not move now at the CCD. Given the JCS dissent and, to a lesser degree, ACDA's long-run preference for a more comprehensive proposal than Defense and State, I recommend that the issues be aired in the NSC before a decision is made and that we inform the CCD that we are studying the various proposals. The memorandum for the interested agencies at Tab A reflects this recommendation.

DK *AS* *JAR for*
Dick Kennedy, Hal Sonnenfeldt and Phil Odeen concur.

RECOMMENDATION:

That you sign the memorandum at Tab A.

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